

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ROOCHI TRADERS INCORPORATED,

Plaintiff,

-against-

TIP TOP TEES INC., GLAMOUR LINE INC.,
GLAMOUR (USA), INC., ALPHA
MERCHANDISING CORP., ROSE DEAL,
INC., HARYASH PAUL, MOHAMMED
RAHMAN, MOHAMMED FAROQUE, JOHN
DOES 1-10, JANE DOES 1-10, and XYZ
COMPANIES 1-10,

Defendants.

**CIVIL ACTION NO. 08-cv-3544
(WHP/KMW)**

DECLARATION OF MIMI K. RUPP

I, Mimi K. Rupp, hereby declare as follows:

1. I am an attorney licensed to practice law in the State of New York and before the bars of the Southern and Eastern Districts of New York. I am an associate of the law firm of Kenyon & Kenyon LLP and counsel to Roochi Traders Incorporated ("Roochi" or "Plaintiff").
2. I submit this declaration pursuant to Your Honor's April 11, 2008 Order, as amended on April 14, 2008, (the "Seizure Order").
3. The facts stated herein are based on my personal knowledge or information conveyed to me by others that I believe to be true. If called to testify regarding the same, I could do so competently.

4. On April 17, 2008, Plaintiff's counsel and investigators, along with New York City and East Rutherford police officers, executed the Seizure Order at the following locations:

450 Murray Hill Parkway, East Rutherford, New Jersey 07073

1220 Broadway, New York, New York 10001

10 West 28th Street, New York, New York 10001

5. On April 17, 2008, Plaintiff's counsel and investigators, along with a New York City police officer, entered Tip Top Tees, Inc.'s location at 10 West 28th Street. The investigator gave the owner, identified as Haryash Paul, the Seizure Order, explaining that we believed that he was selling counterfeit COTTON HERITAGE t-shirts and were authorized by the Seizure Order to search the premises for such goods and any records related thereto.

6. Although Mr. Paul stated to the investigator and others present that he did not have any COTTON HERITAGE t-shirts, Plaintiff's counsel and the investigators located sixteen (16) boxes of counterfeit COTTON HERITAGE t-shirts, in boxes displaying "ROSE DEAL COTTON-TEE U.S.A.," totaling 90 dozen t-shirts. Mr. Paul stated in the presence of Plaintiff's counsel, the investigators and the police officer that he bought the shirts from Plaintiff, showing a receipt from Plaintiff dated 2006. Mr. Paul later changed his story, stating that he purchased the counterfeit COTTON HERITAGE t-shirts from Defendant Rose Deal, Inc. after Plaintiff allegedly rejected such shirts. Plaintiff's counsel and investigators seized these counterfeit goods which are currently stored at 123 Grove Street, Tarrytown, New York 10591.

7. While at Tip Top Tees' 10 West 28th Street location, Plaintiff's counsel located and its investigators seized the following items (the entry number corresponds to the number entered on the evidence receipt signed by Mr. Paul). A true and correct copy of the evidence receipt for items seized at 10 West 28th Street is attached hereto as Exhibit A.

Entry 1: Financial Data

- Chase Paymentech Business Card account information
- Chase accounts for Ravinder K. Chopra

Entry 2: Lease

- Yaali Leather lease at Roosevelt Field Mall, Garden City, NY
- Lease for 1220 Broadway location (2003-2004)

Entries 3, 6: Purchase Orders, Shipping Orders

- Notebooks
 - Glamour Lines Balance Sheets
 - Glamour Lines Orders
 - Tip Top Tees Receipt Book
- Spindle of Receipts
- Expenses/Payables (AMC, BMC Sports, Tip Top Tees, Glamour Line)
- New Gold Trucking Account
- Jitanu Services Inc. Statements

Entries 4, 5: Bank Book, Check Book

- Four deposit record books for Glamour Line, Inc. (Chase Acct. ending in 7977)
- Four deposit record books for Tip Top Tees, Inc. (Chase Acct. ending in 2215)
- Savings account book for Chase Acct. ending in 7061
- Check book for Glamour Line, Inc. (Chase Acct. ending in 7977, Checks 1004-1150)

Entries 7, 9: Ledgers, All Data Pertinent to Business

- Company Records
 - BMC Sportswear, Inc. v. AMC and Paul Haryash action in Civil Court of the City of New York, County of New York: L&L Commercial Part Affidavit of Abrar Hussain (includes lease from BMC)

- Glamour v. Verson documents
- Alpha Merchandising Filing Receipt (Address for Process to Rajeev Kaul)
- Bylaws, Stock Transfer Ledger, Articles of Incorporation

Entries 8: Phone Bills

- Verizon, ConEd, United Protective Alarm Systems bills

9. All the above-referenced records seized at the 10 West 28th Street are organized into Redweld folders placed in banker's boxes stored in the undersigned's office located at One Broadway, New York, New York 10004. Plaintiff's counsel is scheduled to return all items set forth in Paragraph 8 to counsel for Defendant Tip Top Tees, Inc., Alpha Merchandising Corp., Haryash Paul, and Glamour Line, Inc. today.

10. On April 17, 2008, Plaintiff's counsel and investigators were granted consent, by an male identified as Daljit Singh, to enter the office at Glamour (USA) Inc. at 1220 Broadway, Room 407. Upon searching the boxes of clothing in Room 407, Plaintiff's counsel and investigators did not find any counterfeit COTTON HERITAGE t-shirts. Accordingly, neither Plaintiff's counsel nor investigators removed any items whatsoever from Room 407. Upon further investigation, Plaintiff's investigators determined that despite the similar name and immediate proximity to Defendant Glamour Line Inc.'s offices, which are literally around the corner, Defendant Glamour (USA), Inc. is not connected to Mr. Paul as originally believed by Plaintiff's investigators. Soon thereafter, Plaintiff filed a Notice of Dismissal, dismissing Defendant Glamour (USA), Inc. from this action. A true and correct copy of the April 23, 2008 Notice of Dismissal is attached hereto as Exhibit B.

11. On April 17, 2008, Plaintiff's counsel and investigators were also granted consent by Mr. Paul to enter his office at 1220 Broadway, Room 408. While in Room 408, Plaintiff's counsel and investigators searched the premises for counterfeit COTTON HERITAGE t-shirts

and records related thereto. While in Room 408, Plaintiff's counsel and investigators seized the following items (the entry number corresponds to the number entered on the evidence receipt signed by Mr. Paul). A true and correct copy of the evidence receipt for items seized at 1220 Broadway, Room 408 is attached hereto as Exhibit C.

Entry 1: Financial Data

- Notice of Acceptance as an S-Corporation (1/4/04)
- Glamour Line, Inc. Income tax preparation (9/1/99-8/31/00)
- Glamour Line, Inc. Income tax preparation (9/1/00-8/31/01)
- Glamour Line, Inc. Income tax preparation (9/1/02-8/31/03)
- Glamour Line, Inc. Income tax preparation (9/1/03-12/31/03)
- Glamour Line, Inc. Income tax preparation (2005)
- Glamour Line, Inc. Income tax preparation (2006)
- Notices of Tax Due; Notices and Demands for Payment Due; Notice of Tax Warrant Judgment; Notice of Judgment Debtor; Notices of Collection Proceedings; Satisfaction of Judgment; Warrant
- IRS Installment Agreement
- Wire transfer information for Alpha Merchandising to Knittex Apparel

Entry 2: Lease Agreement

- Security Surveillance System – SAFE Leasing for BMC
- Insurance Policy – Cornerstone Insurance (for BMC through Mr. Abrar; for AMC through Abrar)

Entries 3, 6: Purchase Orders, Shipping Orders

- Tip Top Tees Order Forms/Invoices
- Glamour Line Sales Invoices
- Company Expense Receipts
 - For AMC, BMC Sportswear, Abrar/Bobby, Suneco (attn: Mr. Aftab)

- FedEx account information under Visa account (ending in 4944) (Abdul Quddoos, AMC)

Entries 4, 5: Bank Book, Check Book

- Check book for Alpha Merchandising Corp. (Chase Acct. ending in 3118, Checks 1001-1150)
- Stubs for Checks 500-550
- Savings account book for Alpha Merchandising Corp. (Chase Acct. ending in 8664)
- Statement activity for Chase "Business Classic (ending in 6449)" for 3/14/2008-3/21/2008
- Financial Transaction Confirmation – funds transfer from Bus Classic Ckg 2215 to Bus Classic Ckg 6449

Entry 8: Phone Bills

Alpha Merchandising Corp. Verizon Firm Rate Plus plan (866.778.2574; 212.684.2180)

12. All the above-referenced records seized at the 1220 Broadway location are organized into Redweld folders placed in banker's boxes stored in the undersigned's office located at One Broadway, New York, New York 10004. Plaintiff's counsel is scheduled to return all items set forth in Paragraph 11 to counsel for Defendant Tip Top Tees, Inc., Alpha Merchandising Corp., Haryash Paul, and Glamour Line, Inc. today. Plaintiff's investigator, Trademark Associates of NY, Ltd., located at 61 Broadway, 18th Floor, currently has Defendant's personal computer. Plaintiff's investigator has informed counsel that the hard drive is encrypted and is, therefore, more difficult to copy the files therein. Nonetheless, Plaintiff's investigator is working as quickly as possible to access the encrypted files and copy such files so that the computer can be returned to Mr. Paul as soon as possible.

13. On April 17, 2008, Plaintiff's counsel and investigators, along with East Rutherford police officers, entered Jitanu Services Inc.'s warehouse at 450 Murray Hill Parkway, East Rutherford, New Jersey 07073. Plaintiff's investigator gave the warehouse manager,

identified as Puru Sadananda, the Seizure Order, explaining that we believed that his customers might be storing counterfeit COTTON HERITAGE t-shirts and therefore were authorized to search the premises for such goods and any records related thereto.

14. While in the warehouse at 450 Murray Hill Parkway, Plaintiff's counsel and investigators searched the premises for counterfeit COTTON HERITAGE t-shirts and records related thereto. While in the warehouse, the East Rutherford police seized the following records: Shipping Details Documents for Glamour Line, Inc. from 6/26/2006 – 3/25/2008. Since Mr. Sadananda would only release the documents upon receipt of a subpoena, the East Rutherford police obtained the documents in a sealed envelope. The East Rutherford police gave Plaintiff's counsel an evidence receipt for such documents. A true and correct copy of the evidence receipt is attached hereto as Exhibit D.

15. Plaintiff's counsel did not open the sealed envelope until the subpoena was served upon Jitanu Services Inc. on April 18, 2008. All the above-referenced records seized at the 450 Murray Hill Parkway location are organized in an envelope stored in the undersigned's office located at One Broadway, New York, New York 10004. Plaintiff's counsel intends to send such original documents back to Jitanu Services Inc. today via overnight courier.

16. Plaintiff has put forth its reasonable best efforts in maintaining the original quality of any and all items seized. Although pursuant to the Seizure Order Plaintiff has until May 1, 2008 to return the seized items, Plaintiff intends to return all of the seized items before this deadline.

I declare under penalty of perjury that the foregoing is true and correct to the best of my information and belief.

Executed on this 24th day of April.



Mimi K. Rupp

EXHIBIT A



EVIDENCE VOUCHER RECEIPT

The following items were seized during the course of an inspection and seizure pursuant to court order [REDACTED]. The items in question will be maintained and stored by Trademark Associates of NY Ltd until advised to release.

ITEM DESCRIPTION

Items seized include Bank Books, Receipts for Sales, Way Bills, Shipping Invoices, Shipping Data, (16) Boxes of ROSE PEAR COTTON HERITAGE TEE Shirts, & All Information on forms that identifies Supplier

DATE: 4/17/08

TIME: 1.45

A handwritten signature in black ink, appearing to be 'X. [unclear]', is written over a horizontal line at the bottom right of the page.

EXHIBIT B

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

ROOCHI TRADERS INCORPORATED,

Plaintiff,

-against-

TIP TOP TEES INC., GLAMOUR LINE INC.,
GLAMOUR (USA), INC., ALPHA
MERCHANDISING CORP., ROSE DEAL,
INC., HARYASH PAUL, MOHAMMED
RAHMAN, MOHAMMED FAROQUE, JOHN
DOES 1-10, JANE DOES 1-10, and XYZ
COMPANIES 1-10,

Defendants.

Case No. 08-CIV-03544 (WHP)

CORRECTED NOTICE OF DISMISSAL

Plaintiff Roochi Traders Incorporated, hereby dismisses Defendant Glamour (USA), Inc.
from this action without prejudice pursuant to Fed. R. Civ. P. 41(a)(1)(A)(i).

Respectfully submitted,

Dated: April 23, 2008

By: 

Michelle Mancino Marsh (MM1494)
Mimi K. Rupp (MR0007)

KENYON & KENYON LLP
One Broadway
New York, New York 10004
Tel: (212) 425-7200
Fax: (212) 425-5288

*Attorneys for Plaintiff
Roochi Traders Incorporated*

CERTIFICATE OF SERVICE

I, Phillip K. Lum, do hereby certify that I caused a true and correct copy of the foregoing to be served on defendants as follows:

BY PREPAID FIRST CLASS UNITED STATES MAIL

James Montgomery, Esq.
267 Fifth Avenue, Suite 601
New York, NY 10016
(212) 889-9828

Glamour (USA) Inc.
1220 Broadway, Room 402
New York, NY 10001

Attorney for Defendants Tip Top Tees, Inc.,
Alpha Merchandising Corp., Haryash Paul, and
Glamour Line, Inc.

ROSE DEAL INC
C/O Ashoky Varshney
50 W 34th Street #17C8
New York, New York 10001

Mohammed Rahmian
ROSE DEAL INC
C/O Ashoky Varshney
50 W 34th Street #17C8
New York, New York 10001

Mohammed Farouque
ROSE DEAL INC
C/O Ashoky Varshney
50 W 34th Street #17C8
New York, New York 10001

Dated: April 23, 2008

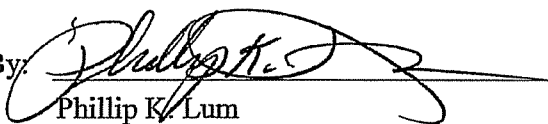
By: 
Phillip K. Lum

EXHIBIT C



EVIDENCE VOUCHER RECEIPT

The following items were seized during the course of an inspection and seizure pursuant to court order [REDACTED]. The items in question will be maintained and stored by Trademark Associates of NY Ltd until advised to release.

ITEM DESCRIPTION

- 1- Financial data
- 2- Lease
- 3- Purchase Orders
- 4- Bank Book
- 5- Check Book
- 6- Shipping Orders
- 7- Ledgers
- 8- Phone Bills
9. All Data Pertenant to Business / PC

DATE: 4-17-08

TIME: 1:55 PM


Hoyan
1:55 PM
April 17/08 

EXHIBIT D

CSRR # 08-02479

Date April 17, 2008

RECEIVED FROM THE EAST RUTHERFORD POLICE DEPT.:

Papers pertaining to Glomar Line, Inc
from Titano Service, Inc

as per Court order signed by US District Judge
Hon. Kimba M Wood

Name: Joyce E Kung

Kinyon + Kinyon

Address: 1 Broadway

New York, NY

Officer In Charge LT D Kivelli

Signature: [Signature]

CERTIFICATE OF SERVICE

I, Mimi K. Rupp, do hereby certify that I caused a true and correct copy of the foregoing Declaration of Mimi K. Rupp to be served on Tip Top Tees, Inc., Alpha Merchandising Corp., Haryash Paul, and Glamour Line, Inc. as follows:

BY PREPAID FIRST CLASS U.S. MAIL

James Montgomery, Esq.
267 Fifth Avenue, Suite 601
New York, New York 10016

*Attorney for Tip Top Tees, Inc.,
Alpha Merchandising Corp.,
Haryash Paul, and Glamour Line, Inc.*

Dated: April 24, 2008



Mimi K. Rupp